

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Mr. Cary Drewes
Campbell Soup Supply Company, LLC
12-773 State Route 110
PO Box 311
Napoleon, Ohio 43545
cary_drewes@campbellsoup.com

ATTENTION:

Mr. Cary Drewes
Environment, Health and Safety Manager

**Request to Provide Information Pursuant to the Clean Water Act
and the Safe Drinking Water Act**

The U.S. Environmental Protection Agency is requiring Campbell Soup Supply Company, LLC (Campbell or you) to submit certain information about the facility at 12-773 State Route 110, Napoleon, Ohio 43545. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendices B and C specify the information that you must submit. You must send this information to us within 45 calendar days after you receive this request. If you are unable to respond in a timely fashion because of impacts related to the COVID-19 pandemic, please submit a written extension request via email to girouard.taylor@epa.gov, explaining the specific impacts on your ability to respond.

We are issuing this information request under Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), and Section 1445(a)(1)(B) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300j-4(a)(1)(B). Section 308(a) of the CWA and Section 1445(a)(1)(B) of the SDWA authorize the Administrator of EPA to require the submission of information. The

Administrator has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, Region 5.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, among other things, that whenever required to carry out an objective of the CWA, the Administrator of EPA shall require the owner or operator of any point source to: establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and provide such other information as the Administrator may reasonably require. Campbell owns and operates a point source at the Napoleon, Ohio facility. We are requesting information to determine whether this source is complying with the CWA.

Section 1445 of the SDWA, 42 U.S.C. § 300j-4(a)(1)(B), provides, among other things, that every person who is subject to a national primary drinking water regulation under the SDWA shall provide such information as the Administrator may reasonably require to determine whether such person has acted or is acting in compliance with the SDWA. Campbell owns and operates a non-transient non-community water system serving 1300 people (PWS ID # OH3531411). We are requesting information to determine whether Campbell's system is in compliance with the requirements of the primary drinking water regulations.

Campbell must send all required information to girouard.taylor@epa.gov. If, for some reason, materials cannot be transmitted electronically, submissions can be sent to:

Water Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5
Attn: Taylor Girouard, ECW-15J
77 W. Jackson Boulevard
Chicago, Illinois 60604

Campbell must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 309(c)(4) of the Clean Water Act, 33 U.S.C. § 1319(c)(4) and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix D, Campbell may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information submitted to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If Campbell does not assert a business confidentiality claim when submitting the information, EPA may make this information available to the public without further notice. Campbell should be aware, however, that pursuant to Section 308(b) of the CWA, 33 U.S.C. § 1318(b), and 40 C.F.R. § 2.302(e), effluent data, standards, and limitations are not eligible for confidential treatment. Pursuant to Section 1445(d) of the SDWA, 42 U.S.C. § 300j-4(d), and 40 C.F.R. § 2.304(a)(2), information which deals with the existence, absence, or level of contaminants in drinking water is not eligible for confidential treatment.

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action. Failure to comply fully with this information request may subject

Campbell to an enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319, and/or Section 1414 of the SDWA, 42 U.S.C. § 300g-3.

You should direct any questions about this information request to Taylor Girouard at (312) 353-1394.

Michael D. Harris
Director
Enforcement and Compliance Assurance Division

Appendix A

When providing the information requested in Appendices B and C, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B and Appendix C.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information is not known or not available to you as of the date of submission and later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as flash drive or other similar item.
4. Provide a table of contents for each flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this Information Request have their ordinary meaning unless such terms are defined in the CWA, 33 U.S.C. § 1251 *et seq.*, 40 C.F.R. Part 122, the SDWA, 42 U.S.C. § 300f *et seq.*, or 40 C.F.R. Part 141.

1. “CWA” means the Clean Water Act, 33 U.S.C. § 1251 *et seq.*
2. “Day” or “days” means a calendar day unless expressly stated to be a working day. In computing any period of time under this Information Request, where the last day would fall on a Saturday, Sunday, or federal or state holiday, the period shall run until the close of business on the next working day.
3. “Discharge of a pollutant,” as defined in Section 502(12) of the CWA, means *inter alia*, “any addition of any pollutant to navigable waters from any point source.” 33 U.S.C. § 1362(12).
4. “MGD” means millions of gallons per day.
5. “Navigable waters,” as defined in Section 502(7) of the CWA, means “the waters of the United States, including the territorial seas.” 33 U.S.C. § 1362(7).
6. “NPDES Permit” and “Permit” mean the permit issued in accordance with the National Pollutant Discharge Elimination System (NPDES) pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. In this Order, these terms mean NPDES Permit No. OH003298, issued by the State of Ohio to Campbell Soup Supply Company, LLC with the effective date of November 10, 2016, and the expiration date of June 30, 2019.
7. “Nontransient Noncommunity Water System,” as defined at 40 C.F.R. § 141.2, means “a public water system that is not a community water system and that regularly serves

at least 25 of the same persons over 6 months per year.”

8. “Outfall” means a type of “point source,” as that term is defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14), that serves as a discharge point from the facility. “Outfall” followed by an Arabic numeral means that Outfall assigned that number in Campbell’s NPDES permit.
9. “Record” or “records” means any recording of information in tangible or intangible form. It includes, but is not limited to: documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer printouts, and computer databases.
10. “SDWA” means the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.*
11. “Storm water” shall mean storm water runoff, snow melt runoff, surface runoff and drainage.
12. “Site” means the property located at 12-773 State Route 110, Napoleon, Ohio 43545.
13. “System” for purposes of this Information Request refers to Campbell Soup Supply Company’s Public Water System and facilities in connection with its processes.
14. “Wastewater” shall mean any water/liquid and all material conveyed with that water/liquid that contains process wastewater, discarded material, noncontact cooling and/or heating water, or domestic wastewater.
15. “Campbell Soup Supply Company, LLC” or “Campbell” for purposes of this Information Request refers to Campbell Soup Supply Company, LLC and to any managers, officers, agents, employees, contractors, or other entities that perform work or act in any way on behalf of, or at the direction of Campbell Soup Supply Company, LLC.
16. “Point source,” as defined in Section 502(14) of the CWA, means “any discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).
17. “Pollutant,” as defined in Section 502(6) of the CWA, means “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. § 1362(6).
18. “Process wastewater,” as defined at 40 C.F.R § 122.2, means “any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.”

19. “Publicly Owned Treatment Works” or “POTW” means a treatment works, as defined in Section 212 of the CWA, 33 U.S.C. § 1292(2), that is owned by a State, Tribe, or a municipality (as defined in Section 502(4) of the CWA, 33 U.S.C. § 1362(4)). Pursuant to 40 C.F.R. § 403.3(q), the definition of POTWs includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the CWA, 33 U.S.C. § 1362(4), that has jurisdiction over indirect and direct discharges to such a treatment works.
20. “Public water system” or “PWS,” as defined at 40 C.F.R. 141.2, means “a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes: Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.”
21. “Wastewater Treatment Plant” or “WWTP” means the Wastewater Treatment Plant identified in the NPDES permit issued to Campbell Soup Supply Company, LLC and located at 12-773 State Route 110, Napoleon, Ohio 43545.

Appendix B

Information Campbell is Required to Submit to EPA under Section 308 of the CWA.

Campbell Soup Supply Company (Campbell) must submit the following information pursuant to Section 308(a) of the CWA, 33 U.S.C. § 1318(a):

1. Provide the name and address of each facility owned and/or operated by Campbell's within Henry County, Ohio.
2. For each facility identified in response to Question 1:
 - a. Identify the owner and operator of the facility;
 - b. Identify the Standard Industrial Classification (SIC) code(s) that Campbell's believe applies to the facility;
 - c. Provide a list of any and all SIC code(s) which apply to the facility;
 - d. Provide a complete copy of the NPDES Permit and NPDES Permit application currently in effect for the facility; and
 - e. If the facility does not have an NPDES permit, provide a detailed explanation why it does not.
3. For each facility identified in response to Question 1, provide a map or diagram of the facility which clearly identifies and labels:
 - a. All access points and roads;
 - b. All processing and manufacturing units;
 - c. Raw material storage locations;
 - d. Intermediate products storage locations;
 - e. Final products storage locations;
 - f. By-product locations;
 - g. Waste storage locations;
 - h. Wastewater collection and conveyance features;
 - i. Wastewater treatment equipment;
 - j. Sludge storage facilities;
 - k. Sludge drying, processing and transfer facilities;
 - l. Storm water collection features and ponds;
 - m. Drainage features;
 - n. Locations of tile drains and their outlets;
 - o. Land application fields used for wastewater and sludge disposal;
 - p. Permitted outfalls;
 - q. All locations where any Wastewater leaves the facility, other than permitted outfalls; and
 - r. Receiving waters.

4. Provide the name and title of the person who is the manager or responsible person for the operations at each Facility identified in Question 1.
5. Provide copies of the corrective action plan developed by Campbell to eliminate violations identified in the January 21, 2020 Notice of Violation (NOV) issued by the Ohio Environment Protection Agency. Include all dates and timelines for actions under the corrective action plan. Provide all documentation, including reports, memos, and studies, to determine the final corrective action plan. In addition to the final corrective action plan, include all considered plans and technologies deemed infeasible. Include copies of all written correspondence with the Ohio Environmental Protection Agency in responding to the NOV and in development of the corrective action plan to eliminate on-going violations.
6. Provide copies of the Permits to Install (PTI) and applications required under Part I, C 3. Catch Basin Construction of the NPDES Permit. Ensure all PTIs and applications that cover the catch basins constructed for Outfalls 003, 005, 006, 007, 008 and 009 are included.
7. For the period of time from January 2018 through December 2019:
 - a. Copies of Discharge Monitoring Reports (DMRs) and Monthly Monitoring Reports (MMR) submitted to Ohio EPA;
 - b. Copies of laboratory reports and/or records of analysis for the DMR and MMR reporting;
 - c. Copies of Whole Effluent Toxicity Reports, including laboratory results;
 - d. Copies of the spreadsheet “Annual Summary of Spray Irrigation System Series Nozzle Activity” required under Part II, HH. Record Keeping, of the NPDES Permit;
 - e. Copies of field notes and logs for the land application activities; and
 - f. Copies of the calculations used to determine flow at the outfalls associated with the Outfalls 003, 005, 006, 007, 008 and 009.

8. Provide copies of all current Flow Diagrams and Process and Instrumentation Diagrams (P&ID) for wastewater treatment system(s). Diagrams shall include sludge treatment and handling and land application activities.
9. For each of the facilities referenced in Question 1, provide a copy of the most recent approved Storm Water Pollution Prevention Plan (SWPPP), including all attachments.
10. Provide a copy of the most recent Soil Total Phosphorous Management Plan and the 2018 and 2019 Annual Soils Analysis Reports submitted to Ohio EPA, including all cover letters and correspondence.

Appendix C

Information Campbell is Required to Submit to EPA under Section 1445 of the SDWA.

Campbell Soup Supply Company, LLC (Campbell) must submit the following information about the facility at 12-773 State Route 110, Napoleon, Ohio pursuant to Section 1445(a)(1)(B) of the SDWA, 42 U.S.C. § 300j-(a)(1)(B):

1. With respect to the person(s) answering to these questions, state name, title, business address, business telephone number, electronic mail address, and position in the organization.
2. With regard to any person who participated in or contributed to Campbell's organization's response to this Information Request, provide that person's name, title, business address, business telephone number, electronic mail address, and position with the organization, including whether that person is an employee or a contractor.
3. Provide a copy of the diagram or schematics of the System's Drinking Water Treatment Plant. Include diagrams for relevant or connected facilities.
4. Provide a copy of the System's Drinking Water Treatment Plant Organization Chart. Be sure to include a job description for each position that explains the role the position has in maintaining and operating the PWS and/or service connections to the PWS.
5. Provide the name, address, title, and certification number (if applicable) for operator(s) of the drinking water infrastructure at the facility. Provide the business address, business telephone number, electronic mail address, and position with the organization, including whether that person is an employee or a contractor.

6. Provide a description of treatment that is being applied to the water at the drinking water treatment plant.
7. Provide a copy of the list of chemicals utilized in the water treatment process and distribution system and purpose.
8. Does this facility store drinking water on-site? (This does not include bottled water.)
9. If the answer to the above question is yes, please describe the storage units, including storage capacity, average quantity in storage, and maintenance schedule.
10. Provide copies of all Operation & Maintenance Plans, including but not limited to Process Control System, Maintenance Schedules and Standard Operating Procedures (SOPs) for the public water system and connected facilities such as the distribution system.
11. Provide copies of the System's Flushing Plan and Flushing Log for the distribution system.
12. Provide copies of the System's Emergency power system and records of testing frequency, run times and maintenance logs.
13. Provide copies of the System's Contact Time Calculation Documentation.
14. Provide copies of all drinking water monitoring and sampling activities being conducted at the system. Please provide copies of documents including but not limited to sample/monitoring plans, monitoring locations, sample collection SOPs, and sample schedules.
15. Provide copies of monitoring reports submitted by the system to the Ohio EPA for the last three years.

16. Provide copies of laboratory and analytical results of all samples collected at the system for the last three years. Copies of Public Notices issued in the last three years.
17. If any of the information requested above is not available, please include a statement explaining why the information requested is not available.

Appendix D

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 308(a) of the CWA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information Is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show: that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business’s competitive position.

Effluent data, as defined in 40 C.F.R. § 2.302(A)(2), and information in National Pollution Discharge Elimination System permit applications are not entitled to confidential treatment. See 40 C.F.R. § 122.7. Information which deals with the existence, absence, or level of contaminants, as defined in 40 C.F.R. § 2.304(a)(2), in drinking water is not eligible for confidential treatment. Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as “Personal Privacy Information.” Disclosure of such information to the general public may constitute an invasion of privacy.